

Union Calendar No. 297

111TH CONGRESS
2^D SESSION

H. R. 5320

[Report No. 111-524]

To amend the Safe Drinking Water Act to increase assistance for States, water systems, and disadvantaged communities; to encourage good financial and environmental management of water systems; to strengthen the Environmental Protection Agency's ability to enforce the requirements of the Act; to reduce lead in drinking water; to strengthen the endocrine disruptor screening program; and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2010

Mr. WAXMAN (for himself and Mr. MARKEY of Massachusetts) introduced the following bill; which was referred to the Committee on Energy and Commerce

JULY 1, 2010

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on May 18, 2010]

A BILL

To amend the Safe Drinking Water Act to increase assistance for States, water systems, and disadvantaged communities; to encourage good financial and environmental management of water systems; to strengthen the Environmental Protection Agency's ability to enforce the requirements of the Act; to reduce lead in drinking water; to strengthen the endocrine disruptor screening program; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REF-**
 4 **ERENCES.**

5 (a) *SHORT TITLE.*—*This Act may be cited as the “As-*
 6 *sistance, Quality, and Affordability Act of 2010”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
 8 *Act is as follows:*

Sec. 1. Short title; table of contents; references.

Sec. 2. Technical assistance for small public water systems.

Sec. 3. Prevailing wages.

Sec. 4. Use of funds.

Sec. 5. Requirements for use of American materials.

Sec. 6. Data on variances, exemptions, and persistent violations.

Sec. 7. Assistance for restructuring.

Sec. 8. Priority and weight of applications.

Sec. 9. Disadvantaged communities.

Sec. 10. Administration of State loan funds.

Sec. 11. State revolving loan funds for American Samoa, Northern Mariana Is-
lands, Guam, and the Virgin Islands.

Sec. 12. Authorization of appropriations.

Sec. 13. Negotiation of contracts.

Sec. 14. Affordability of new standards.

Sec. 15. Focus on lifecycle costs.

Sec. 16. Enforcement.

Sec. 17. Reducing lead in drinking water.

Sec. 18. Endocrine disruptor screening program.

Sec. 19. Presence of pharmaceuticals and personal care products in sources of
drinking water.

Sec. 20. Electronic reporting of compliance monitoring data to the Administrator.

9 (c) *REFERENCES.*—*Except as otherwise specified,*
 10 *whenever in this Act an amendment is expressed in terms*
 11 *of an amendment to a section or other provision, the ref-*
 12 *erence shall be considered to be made to a section or other*
 13 *provision of the Safe Drinking Water Act (42 U.S.C. 300f*
 14 *et seq.).*

1 **SEC. 2. TECHNICAL ASSISTANCE FOR SMALL PUBLIC WATER**
2 **SYSTEMS.**

3 *Subsection (e) of section 1442 (42 U.S.C. 300j-1(e))*
4 *is amended to read as follows:*

5 “(e) *TECHNICAL ASSISTANCE.*—

6 “(1) *IN GENERAL.*—*The Administrator, directly*
7 *or through grants or cooperative agreements with*
8 *nonprofit organizations, may provide technical assist-*
9 *ance to small public water systems to enable such sys-*
10 *tems to achieve and maintain compliance with appli-*
11 *cable national primary drinking water regulations.*

12 “(2) *TYPES OF ASSISTANCE.*—*Technical assist-*
13 *ance under paragraph (1) may include onsite tech-*
14 *nical assistance and compliance assistance; circuit-*
15 *rider and multi-State regional technical assistance*
16 *programs; training; assistance with implementing*
17 *source water protection programs; assistance with in-*
18 *creasing water or energy efficiency; assistance with*
19 *designing, installing, or operating sustainable energy*
20 *infrastructure to produce or capture sustainable en-*
21 *ergy on site or through water transport; assistance*
22 *with developing technical, financial, and managerial*
23 *capacity; assistance with long-term infrastructure*
24 *planning; assistance with applying for funds from a*
25 *State loan fund under section 1452; and assistance*

1 *with implementation of monitoring plans, rules, regu-*
2 *lations, and water security enhancements.*

3 “(3) *PRIORITY.—In providing assistance under*
4 *this subsection, the Administrator shall give priority*
5 *to assistance that will promote compliance with na-*
6 *tional primary drinking water standards, public*
7 *health protection, and long-term sustainability of*
8 *small public water systems. In awarding grants and*
9 *cooperative assistance under paragraph (1) to non-*
10 *profit organizations, the Administrator shall (subject*
11 *to the preceding sentence) give greater weight to non-*
12 *profit organizations that, as determined by the Ad-*
13 *ministrator, are most qualified and most effective and*
14 *that, as determined by the Administrator using infor-*
15 *mation where available, are providing the types of*
16 *technical assistance that are preferred by small public*
17 *water systems.*

18 “(4) *COMPETITIVE PROCEDURES.—It is the pre-*
19 *sumption of Congress that any award of assistance*
20 *under this subsection will be awarded using competi-*
21 *tive procedures based on merit. If assistance is*
22 *awarded under this subsection using procedures other*
23 *than competitive procedures, the Administrator shall*
24 *submit to the Congress, within 90 days of the award*

1 *decision, a report explaining why competitive proce-*
2 *dures were not used.*

3 *“(5) FUNDING.—*

4 *“(A) AUTHORIZATION OF APPROPRIA-*
5 *TIONS.—There is authorized to be appropriated*
6 *to carry out this subsection \$20,000,000 for each*
7 *of fiscal years 2011 through 2015.*

8 *“(B) PROHIBITION ON EARMARKS.—No*
9 *funds made available under this subsection may*
10 *be used to carry out a provision or report lan-*
11 *guage included primarily at the request of a*
12 *Member, Delegate, Resident Commissioner, or*
13 *Senator providing, authorizing, or recom-*
14 *mending a specific amount of discretionary*
15 *budget authority, credit authority, or other*
16 *spending authority for a contract, loan, loan*
17 *guarantee, grant, loan authority, or other ex-*
18 *penditure with or to an entity, or targeted to a*
19 *specific State, locality, or congressional district,*
20 *other than through a statutory or administrative*
21 *formula-driven or competitive award process.*

22 *“(C) LOBBYING EXPENSES.—No portion of*
23 *any State loan fund established under section*
24 *1452 and no portion of any funds made avail-*

1 able under this subsection may be used for lob-
2 bying expenses.

3 “(D) *INDIAN TRIBES.*—Of the total amount
4 made available under this section for each fiscal
5 year, 3 percent shall be used for technical assist-
6 ance to public water systems owned or operated
7 by Indian Tribes.”.

8 **SEC. 3. PREVAILING WAGES.**

9 Subsection (e) of section 1450 (42 U.S.C. 300j–9) is
10 amended to read as follows:

11 “(e) *LABOR STANDARDS.*—

12 “(1) *IN GENERAL.*—The Administrator shall take
13 such action as the Administrator determines to be
14 necessary to ensure that each laborer and mechanic
15 employed by a contractor or subcontractor in connec-
16 tion with a construction project financed, in whole or
17 in part, by a grant, loan, loan guarantee, refi-
18 nancing, or any other form of financial assistance
19 provided under this title (including assistance pro-
20 vided by a State loan fund established under section
21 1452) is paid wages at a rate of not less than the
22 wages prevailing for the same type of work on similar
23 construction in the immediate locality, as determined
24 by the Secretary of Labor in accordance with sub-

1 *chapter IV of chapter 31 of title 40, United States*
 2 *Code.*

3 “(2) *AUTHORITY OF SECRETARY OF LABOR.—*
 4 *With respect to the labor standards specified in this*
 5 *subsection, the Secretary of Labor shall have the au-*
 6 *thority and functions established in Reorganization*
 7 *Plan Numbered 14 of 1950 (5 U.S.C. App.) and sec-*
 8 *tion 3145 of title 40, United States Code.”.*

9 **SEC. 4. USE OF FUNDS.**

10 *Section 1452(a)(2) (42 U.S.C. 300j-12(a)(2)) is*
 11 *amended—*

12 *(1) by striking “Except as otherwise” and insert-*
 13 *ing the following:*

14 “(A) *IN GENERAL.—Except as otherwise*”;

15 *(2) by striking “Financial assistance under this*
 16 *section” and inserting the following:*

17 “(B) *PERMISSIBLE EXPENDITURES.—Fi-*
 18 *nancial assistance under this section*”;

19 *(3) by striking “The funds may also be used”*
 20 *and inserting the following:*

21 “(D) *CERTAIN LOANS.—Financial assist-*
 22 *ance under this section may also be used*”;

23 *(4) by striking “The funds shall not be used”*
 24 *and inserting the following:*

1 “(E) *LIMITATION.—Financial assistance*
2 *under this section shall not be used*”;

3 (5) by striking “*Of the amount credited*” and in-
4 *serting the following:*

5 “(F) *SET-ASIDE.—Of the amount credited*”;

6 (6) in subparagraph (B) (as designated by para-
7 *graph (2)) by striking “(not” and inserting “(includ-*
8 *ing expenditures for planning, design, siting, and as-*
9 *sociated preconstruction activities, for replacing or re-*
10 *habilitating aging treatment, storage, or distribution*
11 *facilities of public water systems, or for producing or*
12 *capturing sustainable energy on site or through the*
13 *transportation of water through the public water sys-*
14 *tem, but not*”; and

15 (7) by inserting after such subparagraph (B) the
16 *following:*

17 “(C) *SALE OF BONDS.—If a State issues*
18 *revenue or general obligation bonds to provide*
19 *all or part of the State contribution required by*
20 *subsection (e), and the proceeds of the sale of*
21 *such bonds will be deposited into the State loan*
22 *fund—*

23 “(i) *financial assistance made avail-*
24 *able under this section may be used by the*

1 *State as security for payment of the prin-*
 2 *cipal and interest on such bonds; and*
 3 “(ii) *interest earnings of the State loan*
 4 *fund may be used by the State as revenue*
 5 *for payment of the principal and interest*
 6 *on such bonds.”.*

7 **SEC. 5. REQUIREMENTS FOR USE OF AMERICAN MATE-**
 8 **RIALS.**

9 *Section 1452(a) (42 U.S.C. 300j-12(a)) is amended by*
 10 *adding at the end the following new paragraph:*

11 “(4) *REQUIREMENTS FOR USE OF AMERICAN MA-*
 12 *TERIALS.—*

13 “(A) *IN GENERAL.—Notwithstanding any*
 14 *other provision of law, none of the funds made*
 15 *available by a State loan fund as authorized*
 16 *under this section may be used for a project for*
 17 *the construction, alteration, maintenance, or re-*
 18 *pair of a public water system unless the steel,*
 19 *iron, and manufactured goods used in such*
 20 *project are produced in the United States.*

21 “(B) *EXCEPTIONS.—Subparagraph (A)*
 22 *shall not apply in any case in which the Admin-*
 23 *istrator (in consultation with the Governor of the*
 24 *State) finds that—*

1 “(i) applying subparagraph (A) would
2 be inconsistent with the public interest;

3 “(ii) steel, iron, and manufactured
4 goods are not produced in the United States
5 in sufficient and reasonably available quan-
6 tities and of a satisfactory quality; or

7 “(iii) inclusion of steel, iron, and man-
8 ufactured goods produced in the United
9 States will increase the cost of the overall
10 project by more than 25 percent.

11 “(C) *PUBLIC NOTIFICATION AND WRITTEN*
12 *JUSTIFICATION FOR WAIVER.—If the Adminis-*
13 *trator determines that it is necessary to waive*
14 *the application of subparagraph (A) based on a*
15 *finding under subparagraph (B), the Adminis-*
16 *trator shall—*

17 “(i) not less than 15 days prior to
18 waiving application of subparagraph (A),
19 provide public notice and the opportunity
20 to comment on the Administrator’s intent to
21 issue such waiver; and

22 “(ii) upon issuing such waiver, publish
23 in the *Federal Register* a detailed written
24 justification as to why the provision is
25 being waived.

1 “(D) *CONSISTENCY WITH INTERNATIONAL*
 2 *AGREEMENTS.—This paragraph shall be applied*
 3 *in a manner consistent with United States obli-*
 4 *gations under international agreements.”.*

5 **SEC. 6. DATA ON VARIANCES, EXEMPTIONS, AND PER-**
 6 **SISTENT VIOLATIONS.**

7 *Section 1452(b)(2) (42 U.S.C. 300j-12(b)(2)) is*
 8 *amended—*

9 *(1) in subparagraph (B), by striking “and” at*
 10 *the end;*

11 *(2) in subparagraph (C), by striking the period*
 12 *at the end and inserting “; and”; and*

13 *(3) by adding at the end the following:*

14 *“(D) a list of all water systems within the*
 15 *State that have in effect an exemption or vari-*
 16 *ance for any national primary drinking water*
 17 *regulation or that are in persistent violation of*
 18 *the requirements for any maximum contaminant*
 19 *level or treatment technique under a national*
 20 *primary drinking water regulation, including*
 21 *identification of—*

22 *“(i) the national primary drinking*
 23 *water regulation in question for each such*
 24 *exemption, variance, or violation; and*

1 “(ii) the date on which the exemption
2 or variance came into effect or the violation
3 began.”.

4 **SEC. 7. ASSISTANCE FOR RESTRUCTURING.**

5 (a) *DEFINITION.*—Section 1401 (42 U.S.C. 300f) is
6 amended by adding at the end the following:

7 “(17) *RESTRUCTURING.*—The term ‘restruc-
8 turing’ means changes in operations (including own-
9 ership, management, cooperative partnerships, joint
10 purchasing arrangements, consolidation, and alter-
11 native water supply).”.

12 (b) *RESTRUCTURING.*—Clause (ii) of section
13 1452(a)(3)(B) (42 U.S.C. 300j–12(a)(3)(B)) is amended by
14 striking “changes in operations (including ownership, man-
15 agement, accounting, rates, maintenance, consolidation, al-
16 ternative water supply, or other procedures)” and inserting
17 “restructuring”.

18 **SEC. 8. PRIORITY AND WEIGHT OF APPLICATIONS.**

19 (a) *PRIORITY.*—Section 1452(b)(3) (42 U.S.C. 300j–
20 12(b)(3)) is amended—

21 (1) in subparagraph (A)—

22 (A) in clause (ii), by striking “and” at the
23 end;

24 (B) in clause (iii), by striking the period at
25 the end and inserting “; and”; and

1 (C) by adding at the end the following:

2 “(iv) improve the ability of systems to
3 protect human health and comply with the
4 requirements of this title affordably in the
5 future.”;

6 (2) by redesignating subparagraph (B) as sub-
7 paragraph (D);

8 (3) by inserting after subparagraph (A) the fol-
9 lowing:

10 “(B) *AFFORDABILITY OF NEW STAND-*
11 *ARDS.—For any year in which enforcement be-*
12 *gins for a new national primary drinking water*
13 *standard, each State that has entered into a cap-*
14 *italization agreement pursuant to this section*
15 *shall evaluate whether capital improvements re-*
16 *quired to meet the standard are affordable for*
17 *disadvantaged communities in the State. If the*
18 *State finds that such capital improvements do*
19 *not meet affordability criteria for disadvantaged*
20 *communities in the State, the State’s intended*
21 *use plan shall provide that priority for the use*
22 *of funds for such year be given to public water*
23 *systems affected by the standard and serving dis-*
24 *advantaged communities.*

1 “(C) *WEIGHT GIVEN TO APPLICATIONS.—*
2 *After determining priority under subparagraphs*
3 *(A) and (B), an intended use plan shall provide*
4 *that the State will give greater weight to an ap-*
5 *plication for assistance if the application con-*
6 *tains—*

7 “(i) *a description of measures under-*
8 *taken by the system to improve the manage-*
9 *ment and financial stability of the system,*
10 *which may include—*

11 “(I) *an inventory of assets, in-*
12 *cluding a description of the condition*
13 *of the assets;*

14 “(II) *a schedule for replacement of*
15 *assets;*

16 “(III) *an audit of water losses;*

17 “(IV) *a financing plan that fac-*
18 *tors in all lifecycle costs indicating*
19 *sources of revenue from ratepayers,*
20 *grants, bonds, other loans, and other*
21 *sources to meet the costs; and*

22 “(V) *a review of options for re-*
23 *structuring;*

1 “(ii) a demonstration of consistency
2 with State, regional, and municipal water-
3 shed plans;

4 “(iii) a water conservation plan con-
5 sistent with guidelines developed for such
6 plans by the Administrator under section
7 1455(a); and

8 “(iv) a description of measures under-
9 taken by the system to improve the effi-
10 ciency of the system or reduce the system’s
11 environmental impact, which may in-
12 clude—

13 “(I) water efficiency or conserva-
14 tion, including the rehabilitation or re-
15 placement of existing leaking pipes;

16 “(II) use of reclaimed water;

17 “(III) actions to increase energy
18 efficiency;

19 “(IV) actions to generate or cap-
20 ture sustainable energy on site or
21 through the transportation of water
22 through the system;

23 “(V) actions to protect source
24 water;

1 “(VI) actions to mitigate or pre-
 2 vent corrosion, including design, selec-
 3 tion of materials, selection of coating,
 4 and cathodic protection; and

5 “(VII) actions to reduce disinfec-
 6 tion byproducts.”; and

7 (4) in subparagraph (D) (as redesignated by
 8 paragraph (2)) by striking “periodically” and insert-
 9 ing “at least biennially”.

10 (b) *GUIDANCE*.—Section 1452 (42 U.S.C. 300j–12) is
 11 amended—

12 (1) by redesignating subsection (r) as subsection
 13 (s); and

14 (2) by inserting after subsection (q) the fol-
 15 lowing:

16 “(r) *SMALL SYSTEM GUIDANCE*.—The Administrator
 17 may provide guidance and, as appropriate, tools, meth-
 18 odologies, or computer software, to assist small systems in
 19 undertaking measures to improve the management, finan-
 20 cial stability, and efficiency of the system or reduce the sys-
 21 tem’s environmental impact.”.

22 **SEC. 9. DISADVANTAGED COMMUNITIES.**

23 (a) *ASSISTANCE TO INCREASE COMPLIANCE*.—Section
 24 1452(b)(3) (42 U.S.C. 300j–12(b)(3)), as amended, is fur-
 25 ther amended by adding at the end the following:

1 “(E) *ASSISTANCE TO INCREASE COMPLI-*
2 *ANCE.—A State’s intended use plan shall provide*
3 *that, of the funds received by the State through*
4 *a capitalization grant under this section for a*
5 *fiscal year, the State will, to the extent that there*
6 *are sufficient eligible project applications, reserve*
7 *not less than 6 percent to be spent on assistance*
8 *under subsection (d) to public water systems in-*
9 *cluded in the State’s most recent list under para-*
10 *graph (2)(D).”.*

11 (b) *ASSISTANCE FOR DISADVANTAGED COMMU-*
12 *NITIES.—Section 1452(d) (42 U.S.C. 300j–12(d)) is amend-*
13 *ed—*

14 (1) *in paragraph (1), by adding at the end the*
15 *following: “Such additional subsidization shall di-*
16 *rectly and primarily benefit the disadvantaged com-*
17 *munity.”; and*

18 (2) *in paragraph (3), by inserting “, or portion*
19 *of a service area,” after “service area”.*

20 (c) *AFFORDABILITY CRITERIA.—Section 1452(d)(3) is*
21 *amended by adding at the end: “Each State that has en-*
22 *tered into a capitalization agreement pursuant to this sec-*
23 *tion shall, in establishing affordability criteria, consider,*
24 *solicit public comment on, and include as appropriate—*

1 “(A) the methods or criteria that the State
2 will use to identify disadvantaged communities;

3 “(B) a description of the institutional, regu-
4 latory, financial, tax, or legal factors at the Fed-
5 eral, State, or local level that affect identified af-
6 fordability criteria; and

7 “(C) a description of how the State will use
8 the authorities and resources under this sub-
9 section to assist communities meeting the identi-
10 fied criteria.”.

11 **SEC. 10. ADMINISTRATION OF STATE LOAN FUNDS.**

12 Section 1452(g) (42 U.S.C. 300j–12(g)) is amended—
13 (1) in paragraph (2)—

14 (A) in the first sentence, by striking “up to
15 4 percent of the funds allotted to the State under
16 this section” and inserting “, for each fiscal
17 year, an amount that does not exceed the sum of
18 the amount of any fees collected by the State for
19 use in covering reasonable costs of administra-
20 tion of programs under this section, regardless of
21 the source, and an amount equal to the greatest
22 of \$400,000, $\frac{1}{5}$ of one percent of the current
23 valuation of the State loan fund, or 6 percent of
24 all grant awards to the State loan fund under
25 this section for the fiscal year,”;

1 (B) by striking “1419,” and all that follows
2 through “1993.” and inserting “1419.”; and

3 (C) in the matter following subparagraph
4 (D), by striking “2 percent” and inserting “4
5 percent”; and

6 (2) by adding at the end the following:

7 “(5) *TRANSFER OF FUNDS.*—

8 “(A) *IN GENERAL.*—*The Governor of a*
9 *State may—*

10 “(i) *reserve for any fiscal year not*
11 *more than the lesser of—*

12 “(I) *33 percent of a capitalization*
13 *grant made under this section; or*

14 “(II) *33 percent of a capitaliza-*
15 *tion grant made under section 601 of*
16 *the Federal Water Pollution Control*
17 *Act; and*

18 “(ii) *add the funds so reserved to any*
19 *funds provided to the State under this sec-*
20 *tion or section 601 of the Federal Water*
21 *Pollution Control Act.*

22 “(B) *STATE MATCHING FUNDS.*—*Funds re-*
23 *served under this paragraph shall not be consid-*
24 *ered for purposes of calculating the amount of a*
25 *State contribution required by subsection (e) of*

1 *this section or section 602(b) of the Federal*
 2 *Water Pollution Control Act.”.*

3 **SEC. 11. STATE REVOLVING LOAN FUNDS FOR AMERICAN**
 4 **SAMOA, NORTHERN MARIANA ISLANDS,**
 5 **GUAM, AND THE VIRGIN ISLANDS.**

6 *Section 1452(j) (42 U.S.C. 300j–12(j)) is amended by*
 7 *striking “0.33 percent” and inserting “1 percent”.*

8 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

9 *Subsection (m) of section 1452 (42 U.S.C. 300j–12) is*
 10 *amended to read as follows:*

11 “(m) *AUTHORIZATION OF APPROPRIATIONS.—*

12 “(1) *IN GENERAL.—There are authorized to be*
 13 *appropriated to carry out this section—*

14 “(A) \$1,400,000,000 for fiscal year 2011;

15 “(B) \$1,600,000,000 for fiscal year 2012;

16 *and*

17 “(C) \$1,800,000,000 for fiscal year 2013.

18 “(2) *AVAILABILITY.—Amounts made available*
 19 *pursuant to this subsection shall remain available*
 20 *until expended.*

21 “(3) *RESERVATION FOR NEEDS SURVEYS.—Of*
 22 *the amount made available under paragraph (1) to*
 23 *carry out this section for a fiscal year, the Adminis-*
 24 *trator may reserve not more than \$1,000,000 per year*

1 to pay the costs of conducting needs surveys under
2 subsection (h).”.

3 **SEC. 13. NEGOTIATION OF CONTRACTS.**

4 Section 1452 (42 U.S.C. 300j–12), as amended, is fur-
5 ther amended by adding at the end the following:

6 “(t) *NEGOTIATION OF CONTRACTS.*—For community
7 water systems serving communities with populations of
8 more than 10,000 individuals, a contract to be carried out
9 using funds made available through a capitalization grant
10 under this section for program management, construction
11 management, feasibility studies, preliminary engineering,
12 design, engineering, surveying, mapping, or architectural
13 or related services shall be negotiated in the same manner
14 as—

15 “(1) a contract for architectural and engineering
16 services is negotiated under chapter 11 of title 40,
17 United States Code; or

18 “(2) a contract subject to an equivalent State or
19 local qualifications-based requirement (as determined
20 by the Governor of the State).”.

21 **SEC. 14. AFFORDABILITY OF NEW STANDARDS.**

22 (a) *TREATMENT TECHNOLOGIES FOR SMALL PUBLIC*
23 *WATER SYSTEMS.*—Clause (ii) of section 1412(b)(4)(E) (42
24 U.S.C. 300g–1(b)(4)(E)) is amended by adding at the end
25 the following: “If no technology, treatment technique, or

1 *other means is included in a list under this subparagraph*
 2 *for a category of small public water systems, the Adminis-*
 3 *trator shall periodically review the list and supplement it*
 4 *when new technology becomes available.”.*

5 (b) ASSISTANCE FOR DISADVANTAGED COMMU-
 6 NITIES.—

7 (1) IN GENERAL.—Subparagraph (E) of section
 8 1452(a)(1) (42 U.S.C. 300j-12(a)(1)) is amended—

9 (A) by striking “except that the Adminis-
 10 trator may reserve” and inserting “except that—

11 “(i) in any year in which enforcement
 12 of a new national primary drinking water
 13 standard begins, the Administrator may use
 14 the remaining amount to make grants to
 15 States whose public water systems are dis-
 16 proportionately affected by the new stand-
 17 ard for the provision of assistance under
 18 subsection (d) to such public water systems;

19 “(ii) the Administrator may reserve”;
 20 and

21 (B) by striking “and none of the funds real-
 22 lotted” and inserting “; and

23 “(iii) none of the funds reallocated”.

24 (2) ELIMINATION OF CERTAIN PROVISIONS.—

1 (A) *Section 1412(b) (42 U.S.C. 300g-1(b))*
 2 *is amended by striking paragraph (15).*

3 (B) *Section 1415 (42 U.S.C. 300g-4) is*
 4 *amended by striking subsection (e).*

5 (3) *CONFORMING AMENDMENT.—Subparagraph*
 6 *(B) of section 1414(c)(1) (42 U.S.C. 300g-3(c)(1)(B))*
 7 *is amended by striking “(a)(2), or (e)” and inserting*
 8 *“or (a)(2)”.*

9 **SEC. 15. FOCUS ON LIFECYCLE COSTS.**

10 *Section 1412(b)(4) (42 U.S.C. 300g-1(b)(4)) is amend-*
 11 *ed—*

12 (1) *in subparagraph (D), by striking “taking*
 13 *cost into consideration” and inserting “taking*
 14 *lifecycle costs, including maintenance, replacement,*
 15 *and avoided costs, into consideration”; and*

16 (2) *in the matter preceding subclause (I) in sub-*
 17 *paragraph (E)(ii), by inserting “taking lifecycle costs,*
 18 *including maintenance, replacement, and avoided*
 19 *costs, into consideration,” after “as determined by the*
 20 *Administrator in consultation with the States,”.*

21 **SEC. 16. ENFORCEMENT.**

22 (a) *ADVICE AND TECHNICAL ASSISTANCE.—Section*
 23 *1414 (42 U.S.C. 300g-3) is amended—*

24 (1) *in the matter following clause (ii) in sub-*
 25 *section (a)(1)(A), by striking “and provide such ad-*

1 *vice and technical assistance to such State and public*
 2 *water system as may be appropriate to bring the sys-*
 3 *tem into compliance with the requirement by the ear-*
 4 *liest feasible time”; and*

5 *(2) in subsection (a)(1), by adding at the end the*
 6 *following:*

7 *“(C) At any time after providing notice of a violation*
 8 *to a State and public water system under subparagraph*
 9 *(A), the Administrator may provide such advice and tech-*
 10 *nical assistance to such State and public water system as*
 11 *may be appropriate to bring the system into compliance*
 12 *with the requirement by the earliest feasible time. In decid-*
 13 *ing whether the provision of advice or technical assistance*
 14 *is appropriate, the Administrator may consider the poten-*
 15 *tial for the violation to result in serious adverse effects to*
 16 *human health, whether the violation has occurred continu-*
 17 *ously or frequently, and the effectiveness of past technical*
 18 *assistance efforts.”.*

19 *(b) ADDITIONAL INSPECTIONS.—*

20 *(1) IN GENERAL.—Section 1414 (42 U.S.C.*
 21 *300g-3) is amended—*

22 *(A) by redesignating subsections (d) through*
 23 *(i) as subsections (e) through (j), respectively;*
 24 *and*

1 (B) by inserting after subsection (c) the fol-
 2 lowing:

3 “(d) *ADDITIONAL INSPECTIONS FOLLOWING VIOLA-*
 4 *TIONS.—*

5 “(1) *IN GENERAL.—The Administrator shall, by*
 6 *regulation, and after consultation with the States,*
 7 *prescribe the number, frequency, and type of addi-*
 8 *tional inspections to follow any violation requiring*
 9 *notice under subsection (c). Regulations under this*
 10 *subsection shall—*

11 “(A) *take into account—*

12 “(i) *differences between violations that*
 13 *are intermittent or infrequent and viola-*
 14 *tions that are continuous or frequent;*

15 “(ii) *the seriousness of any potential*
 16 *adverse health effects that may be involved;*
 17 *and*

18 “(iii) *the number and severity of past*
 19 *violations by the public water system; and*

20 “(B) *specify procedures for inspections fol-*
 21 *lowing a violation by a public water system that*
 22 *has the potential to have serious adverse effects*
 23 *on human health as a result of short-term expo-*
 24 *sure.*

1 “(2) *STATE PRIMARY ENFORCEMENT RESPONSIBILITY.*—*Nothing in this subsection shall be construed*
 2 *or applied to modify the requirements of section*
 3 *1413.”.*

5 (2) *CONFORMING AMENDMENTS.*—

6 (A) *Subsections (a)(1)(B), (a)(2)(A), and*
 7 *(b) of section 1414 (42 U.S.C. 300g–3) are*
 8 *amended by striking “subsection (g)” each place*
 9 *it appears and inserting “subsection (h)”.*

10 (B) *Section 1448(a) is amended by striking*
 11 *“1414(g)(3)(B)” and inserting “1414(h)(3)(B)”.*

12 **SEC. 17. REDUCING LEAD IN DRINKING WATER.**

13 (a) *IN GENERAL.*—*Section 1417 (42 U.S.C. 300g–6)*
 14 *is amended—*

15 (1) *by adding at the end of subsection (a) the fol-*
 16 *lowing:*

17 “(4) *EXEMPTIONS.*—*The prohibitions in para-*
 18 *graphs (1) and (3) shall not apply to—*

19 (A) *pipes, pipe fittings, plumbing fittings,*
 20 *or fixtures, including backflow preventers, that*
 21 *are used exclusively for nonpotable services such*
 22 *as manufacturing, industrial processing, irriga-*
 23 *tion, outdoor watering, or any other uses where*
 24 *the water is not anticipated to be used for*
 25 *human consumption; or*

1 “(B) toilets, bidets, urinals, fill valves,
 2 flushometer valves, tub fillers, shower valves,
 3 service saddles, or water distribution main gate
 4 valves that are 2 inches in diameter or larger.”;
 5 and

6 (2) by amending subsection (d) to read as fol-
 7 lows:

8 “(d) DEFINITION OF LEAD FREE.—

9 “(1) IN GENERAL.—For the purposes of this sec-
 10 tion, the term ‘lead free’ means—

11 “(A) not containing more than 0.2 percent
 12 lead when used with respect to solder and flux;
 13 and

14 “(B) not more than a weighted average of
 15 0.25 percent lead when used with respect to the
 16 wetted surfaces of pipes, pipe fittings, plumbing
 17 fittings, and fixtures.

18 “(2) CALCULATION.—The weighted average lead
 19 content of a pipe, pipe fitting, plumbing fitting, or
 20 fixture shall be calculated by using the following for-
 21 mula: For each wetted component, the percentage of
 22 lead in the component shall be multiplied by the ratio
 23 of the wetted surface area of that component to the
 24 total wetted surface area of the entire product to ar-
 25 rive at the weighted percentage of lead of the compo-

1 *ment. The weighted percentage of lead of each wetted*
 2 *component shall be added together, and the sum of*
 3 *these weighted percentages shall constitute the weight-*
 4 *ed average lead content of the product. The lead con-*
 5 *tent of the material used to produce wetted compo-*
 6 *nents shall be used to determine compliance with*
 7 *paragraph (1)(B). For lead content of materials that*
 8 *are provided as a range, the maximum content of the*
 9 *range shall be used.”.*

10 *(b) EFFECTIVE DATE.—The provisions of subsections*
 11 *(a)(4) and (d) of section 1417 of the Safe Drinking Water*
 12 *Act, as added by this section, apply beginning on the day*
 13 *that is 36 months after the date of the enactment of this*
 14 *Act.*

15 **SEC. 18. ENDOCRINE DISRUPTOR SCREENING PROGRAM.**

16 *Section 1457 (42 U.S.C. 300j–17) is amended to read*
 17 *as follows:*

18 *“ENDOCRINE DISRUPTOR SCREENING PROGRAM*

19 *“SEC. 1457. (a) TESTING OF SUBSTANCES.—*

20 *“(1) IN GENERAL.—In carrying out the screen-*
 21 *ing program under section 408(p) of the Federal*
 22 *Food, Drug, and Cosmetic Act, the Administrator*
 23 *shall provide for the testing of substances described in*
 24 *paragraph (2) in addition to the substances described*
 25 *in section 408(p)(3) of such Act.*

1 “(2) *COVERED SUBSTANCES.*—A substance is
2 subject to testing pursuant to paragraph (1) if—

3 “(A) the substance may be found in sources
4 of drinking water; and

5 “(B) the Administrator determines that a
6 substantial population may be exposed to such
7 substance.

8 “(3) *SUBSTANCES ALREADY SUBJECT TO TEST-*
9 *ING.*—Notwithstanding paragraph (2), a substance is
10 not subject to testing pursuant to paragraph (1) if—

11 “(A) the substance is already subject to
12 evaluation determined by the Administrator to
13 be equivalent to testing pursuant to paragraph
14 (1); or

15 “(B) the Administrator has already deter-
16 mined the effect of the substance on the endocrine
17 system.

18 “(4) *SUBSTANCES DERIVED FROM DEGRADATION*
19 *OR METABOLISM OF ANOTHER SUBSTANCE.*—If a sub-
20 stance subject to testing pursuant to paragraph (1)
21 (in this paragraph referred to as the ‘covered sub-
22 stance’) is derived from the degradation or metabo-
23 lism of another substance, or is used in or generated
24 by the manufacture of another substance, the Admin-
25 istrator shall provide for such testing of the covered

1 *substance by the importer or manufacturer of the*
 2 *other substance.*

3 “(b) *IDENTIFICATION AND TESTING OF ENDOCRINE*
 4 *DISRUPTING SUBSTANCES THAT MAY BE IN DRINKING*
 5 *WATER.—*

6 “(1) *IDENTIFICATION.—Not later than 1 year*
 7 *after the date of the enactment of the Assistance,*
 8 *Quality, and Affordability Act of 2010, after oppor-*
 9 *tunity for comment, the Administrator shall pub-*
 10 *lish—*

11 “(A) *a list of no fewer than 100 substances*
 12 *for testing pursuant to subsection (a)(1) (in ac-*
 13 *cordance with the schedule specified in para-*
 14 *graph (3)); and*

15 “(B) *a plan for the identification of addi-*
 16 *tional substances for testing pursuant to sub-*
 17 *section (a)(1), and a schedule for issuing test or-*
 18 *ders for all such additional substances by not*
 19 *later than 10 years after the date of the enact-*
 20 *ment of the Assistance, Quality, and Afford-*
 21 *ability Act of 2010, with the goal of testing, at*
 22 *a minimum and consistent with subsection (a),*
 23 *all substances that have been placed on the*
 24 *Drinking Water Preliminary Contaminant Can-*

1 *didate List published pursuant to section*
2 *1412(b)(1)(B)(i).*

3 *In publishing the plan and schedule required by sub-*
4 *paragraph (B), the Administrator shall obtain advice*
5 *and direction from the Science Advisory Board.*

6 *“(2) PRIORITIZATION; CONSIDERATIONS.—In se-*
7 *lecting substances for listing under paragraph (1)(A)*
8 *or identification pursuant to the plan under para-*
9 *graph (1)(B), the Administrator—*

10 *“(A) shall prioritize the selection of sub-*
11 *stances that pose the greatest public health con-*
12 *cern, using the best available science and taking*
13 *into consideration (among other factors of public*
14 *health concern) the effect of such substances on*
15 *subgroups that comprise a meaningful portion of*
16 *the general population (such as infants, children,*
17 *pregnant women, the elderly, individuals with a*
18 *history of serious illness, and other subpopula-*
19 *tions) that are identifiable as being at greater*
20 *risk of adverse health effects due to exposure to*
21 *substances in drinking water; and*

22 *“(B) shall take into consideration—*

23 *“(i) available information on the ex-*
24 *tent of potential public exposures to the sub-*
25 *stances through drinking water; and*

1 “(ii) *the Drinking Water Preliminary*
2 *Contaminant Candidate List published pur-*
3 *suant to section 1412(b)(1)(B)(i).*

4 “(3) *SCHEDULE.—After publication of the list*
5 *under paragraph (1)(A), the Administrator shall*
6 *issue test orders for—*

7 “(A) *at least 25 substances on the list by the*
8 *end of each year during the 4-year period fol-*
9 *lowing the date of the enactment of the Assist-*
10 *ance, Quality, and Affordability Act of 2010;*
11 *and*

12 “(B) *all substances on the list by the end of*
13 *such 4-year period.*

14 “(c) *TESTING PROTOCOL PROCESS.—*

15 “(1) *IN GENERAL.—Not later than 2 years after*
16 *the date of the enactment of the Assistance, Quality,*
17 *and Affordability Act of 2010, the Administrator*
18 *shall, after opportunity for comment, and after ob-*
19 *taining advice and direction from the Science Advi-*
20 *sory Board, publish guidance on developing and up-*
21 *dating protocols for testing of possible endocrine*
22 *disruptors that may be found in sources of drinking*
23 *water. The guidance shall specify—*

1 “(A) the manner in which the Adminis-
2 trator will evaluate and, where necessary, revise
3 such protocols;

4 “(B) the manner in which the Adminis-
5 trator will determine when testing of substances
6 will be required; and

7 “(C) the procedures by which other scientif-
8 ically relevant information can be used in lieu
9 of some or all of the information that otherwise
10 would be collected pursuant to testing under sec-
11 tion 408(p) of the Federal Food, Drug, and Cos-
12 metic Act.

13 “(2) *MINIMUM CONTENTS.*—The procedures spec-
14 ified pursuant to paragraph (1)(C) shall ensure that
15 the Administrator may use information that is pre-
16 pared or provided by any person (including a reg-
17 istrant, manufacturer, or importer of a substance for
18 which testing is required, and any other entity) and
19 shall apply equally with respect to any such person.

20 “(3) *AMENDMENTS.*—The Administrator may,
21 after opportunity for comment, and after obtaining
22 advice and direction from the Science Advisory
23 Board, amend any guidance published pursuant to
24 this subsection.

1 “(d) *REVISION OF TESTING PROTOCOLS.*—Not later
2 than 2 years after the date of the enactment of the Assist-
3 ance, Quality, and Affordability Act of 2010, the Adminis-
4 trator shall, after opportunity for comment, determine
5 whether sufficient scientific information has been developed
6 to warrant updating the screening protocols developed
7 under section 408(p) of the Federal Food, Drug, and Cos-
8 metic Act for substances that may be found in sources of
9 drinking water. Not later than 5 years after the date of
10 the enactment of the Assistance, Quality, and Affordability
11 Act of 2010 and every 3 years thereafter, the Administrator
12 shall determine, consistent with the guidance published
13 under subsection (c), whether to revise screening protocols
14 under such section for substances that may be found in
15 sources of drinking water based on significant improve-
16 ments in the sensitivity, accuracy, reliability, reproduc-
17 ibility, or efficiency of such protocols, or a reduction in the
18 number of animals required to conduct such protocols.
19 Whenever the Administrator revises such a protocol, the Ad-
20 ministrator shall also determine, after obtaining advice and
21 direction from the Science Advisory Board, whether any
22 substance that has already been subjected to testing should
23 be tested using the revised protocol.

1 “(e) *VALID SCIENTIFIC DATA.*—Any testing protocols
2 pursuant to this section shall be designed to produce sci-
3 entific results that are based on—

4 “(1) *verifiable measurements with sufficiently*
5 *small error rates;*

6 “(2) *well-controlled measurements whose inter-*
7 *pretation is not confounded by extraneous influences;*
8 *and*

9 “(3) *results that are repeatable by independent*
10 *scientists.*

11 “(f) *RESULTS OF TESTING.*—

12 “(1) *PUBLICATION OF DATA EVALUATION*
13 *RECORDS.*—Not later than 6 months after receipt of
14 testing results for a substance that may be found in
15 sources of drinking water, the Administrator shall
16 prepare and, consistent with subsection (g), publish
17 data evaluation records for such results in a publicly
18 searchable database.

19 “(2) *ADMINISTRATIVE ACTION.*—Not later than 6
20 months after receipt of test results that determine the
21 endocrine-related effects caused by a substance that
22 may be found in sources of drinking water, the Ad-
23 ministrator shall—

1 “(A) *determine whether to take action re-*
2 *lated to the substance pursuant to the agency’s*
3 *statutory authority; and*

4 “(B) *consistent with subsection (g), publish*
5 *such determination in a publicly searchable*
6 *database.*

7 *Nothing in this section shall be construed to affect the*
8 *Administrator’s authority to take action under other*
9 *provisions of law.*

10 “(3) *STRUCTURED EVALUATION FRAMEWORK.—*
11 *To assess the overall weight of the evidence and rel-*
12 *evance to human health of results of testing for sub-*
13 *stances that may be found in sources of drinking*
14 *water, the Administrator shall develop and use a*
15 *structured evaluative framework consisting of science-*
16 *based criteria, consistent with the protection of public*
17 *health, for systematically evaluating endocrine mode*
18 *of action and for determining data relevance, quality,*
19 *and reliability.*

20 “(g) *PUBLIC DATABASE.—Beginning not later than*
21 *180 days after the date of the enactment of the Assistance,*
22 *Quality, and Affordability Act of 2010 and consistent with*
23 *section 552 of title 5, United States Code, the Administrator*
24 *shall publish, in electronic format, a publicly searchable*
25 *database that contains information regarding the testing*

1 program. Not later than 30 days after the date on which
 2 the information becomes available, the Administrator shall
 3 ensure that, at a minimum, the database—

4 “(1) identifies the substances selected for testing
 5 under the program; and

6 “(2) includes the documents and information
 7 pertaining to the status of testing activities for each
 8 such substance, including test orders, deadlines for
 9 submission, the Environmental Protection Agency’s
 10 data evaluation records, any scientific information on
 11 which the Administrator based actions under sub-
 12 section (f), the Administrator’s determination under
 13 subsection (f) on whether action will be taken under
 14 other statutory authority, and the summary of chem-
 15 ical test results.

16 “(h) PETITION FOR INCLUSION OF A SUBSTANCE IN
 17 THE PROGRAM.—

18 “(1) IN GENERAL.—Any person may submit a
 19 petition to the Administrator to add a substance to
 20 the list under subsection (b)(1)(A) or identify a sub-
 21 stance pursuant to the plan under subsection
 22 (b)(1)(B).

23 “(2) SPECIFICATION OF FACTS.—Any petition
 24 under paragraph (1) shall specify the facts that are

1 *claimed to establish that an action described in para-*
 2 *graph (1) is warranted.*

3 “(3) *ADMINISTRATIVE ACTION.*—*Not later than*
 4 *90 days after the filing of a petition described under*
 5 *paragraph (1), the Administrator shall determine*
 6 *whether the petition has established that an action de-*
 7 *scribed in paragraph (1) is warranted and shall*
 8 *grant or deny the petition. If the Administrator*
 9 *grants such petition, the Administrator shall prompt-*
 10 *ly add the substance to the list under subsection*
 11 *(b)(1)(A) or identify the substance pursuant to the*
 12 *plan under subsection (b)(1)(B), as applicable. If the*
 13 *Administrator denies the petition, the Administrator*
 14 *shall publish the reasons for such denial in the Fed-*
 15 *eral Register.*

16 “(i) *COORDINATION WITH OTHER FEDERAL AGEN-*
 17 *CIES.*—*After the Administrator—*

18 “(1) *requires testing of a substance that may be*
 19 *found in sources of drinking water, or*

20 “(2) *based in whole or in part on the results of*
 21 *testing of such a substance, takes action related to the*
 22 *substance pursuant to the agency’s statutory author-*
 23 *ity,*

24 *the Administrator shall give notice of such testing or action*
 25 *to Federal agencies which are authorized by other provi-*

1 sions of law to regulate the substance or products, materials,
 2 medications, processes, or practices that use the substance.

3 “(j) *REPORTING REQUIREMENT.*—Not later than 1
 4 year after the date of the enactment of the Assistance, Qual-
 5 ity, and Affordability Act of 2010 and every 3 years there-
 6 after, the Administrator shall provide a report to the Com-
 7 mittee on Energy and Commerce of the House of Represent-
 8 atives and the Committee on Environment and Public
 9 Works of the Senate that describes—

10 “(1) progress made in identifying and testing
 11 potential endocrine disruptors as well as plans for fu-
 12 ture activities;

13 “(2) any change in screening or testing method-
 14 ology and evaluation or criteria for evaluating sci-
 15 entifically relevant information;

16 “(3) actions taken to ensure communication and
 17 sharing of scientific information with other Federal
 18 agencies and the public; and

19 “(4) any deviations from the plan or schedule
 20 published under subsection (b)(1)(B) as well as the
 21 reasons therefor.

22 “(k) *TESTING CONSORTIA, COMPENSATION, AND COM-*
 23 *PLIANCE.*—

24 “(1) *IN GENERAL.*—Any person required by the
 25 Administrator to conduct testing of an endocrine

1 *disruptor that may be found in sources of drinking*
2 *water may—*

3 *“(A) submit, on its own, data in response*
4 *to an order for such testing; and*

5 *“(B) form (on a voluntary basis) a consor-*
6 *tium in order to satisfy the requirements of one*
7 *or more orders for such testing.*

8 *“(2) RELIANCE ON CONSORTIUM SUBMISSIONS.—*
9 *Each member of a consortium described in paragraph*
10 *(1)(B) shall have full rights to rely on all submissions*
11 *of the consortium to satisfy the requirements of any*
12 *order for testing, but continues to be individually sub-*
13 *ject to such requirements.*

14 *“(3) SHARING OF COSTS.—*

15 *“(A) IN GENERAL.—Each member of a con-*
16 *sortium described in paragraph (1)(B) shall*
17 *share the applicable costs according to appro-*
18 *priate arrangements established by the consor-*
19 *tium members.*

20 *“(B) BINDING OFFER.—Whenever, to satisfy*
21 *the requirements of one or more orders for test-*
22 *ing, any person offers to form or join a consor-*
23 *tium described in paragraph (1)(B), or offers*
24 *compensation to a person that has already sub-*
25 *mitted data to the Administrator satisfying an*

1 *order for testing, such offer shall constitute a*
 2 *binding offer to share an appropriate portion of*
 3 *the applicable costs.*

4 *“(C) APPLICABLE COSTS.—In this sub-*
 5 *section, the term ‘applicable costs’ includes the*
 6 *costs—*

7 *“(i) incurred to generate and report*
 8 *information to comply with an order for*
 9 *testing; or*

10 *“(ii) associated with the organization*
 11 *and administration of the consortium.*

12 *“(4) DISPUTE RESOLUTION.—*

13 *“(A) IN GENERAL.—In the event of any dis-*
 14 *pute about an appropriate share or a fair meth-*
 15 *od of determining an appropriate share of appli-*
 16 *cable costs of the testing requirements in a test*
 17 *order, any person involved in the dispute may*
 18 *initiate binding arbitration proceedings by re-*
 19 *questing the Federal Mediation and Conciliation*
 20 *Service to appoint an arbitrator from the roster*
 21 *of arbitrators maintained by such Service or a*
 22 *hearing with a regional office of the American*
 23 *Arbitration Association. A copy of the request*
 24 *shall be sent to each person from whom the re-*

1 *questing party seeks compensation or who seeks*
2 *compensation from that party.*

3 “(B) *NO REVIEW OF FINDINGS AND DETER-*
4 *MINATION.—The findings and determination of*
5 *the arbitrator in a dispute initiated pursuant to*
6 *subparagraph (A) shall be final and conclusive,*
7 *and no official or court of the United States*
8 *shall have power or jurisdiction to review any*
9 *such findings and determination, except in the*
10 *case of fraud, misrepresentation, or other mis-*
11 *conduct by one of the parties to the arbitration*
12 *or by the arbitrator.*

13 “(C) *PAYMENT OF FEE AND EXPENSES.—*
14 *The parties to arbitration initiated pursuant to*
15 *subparagraph (A) shall share equally in the pay-*
16 *ment of the fee and expenses of the arbitrator.*

17 “(5) *ENFORCEMENT.—If the Administrator de-*
18 *termines that any person seeking to comply with an*
19 *order for testing by relying on a submission made by*
20 *a consortium or an original data submitter has failed*
21 *to make an offer in accordance with paragraph*
22 *(3)(B), to participate in an arbitration proceeding*
23 *under paragraph (4), or to comply with the terms of*
24 *an agreement or arbitration decision concerning shar-*
25 *ing of applicable costs under paragraph (3), that per-*

1 son is deemed to have failed to comply with an order
2 under subparagraph (A) of section 408(p)(5) of the
3 Federal Food, Drug, and Cosmetic Act for purposes of
4 subparagraphs (B) and (C) of such section.

5 “(l) *DEFINITIONS.*—In this section:

6 “(1) The term ‘endocrine disruptor’ means an
7 exogenous agent or mixture of agents that interferes
8 or alters the synthesis, secretion, transport, metabo-
9 lism, binding action, or elimination of hormones that
10 are present in the body and are responsible for homeo-
11 stasis, growth, neurological signaling, reproduction
12 and developmental process, or any other effect that the
13 Administrator has designated as an ‘endocrine effect’
14 pursuant to section 408(p)(1) of the Federal Food,
15 Drug, and Cosmetic Act.

16 “(2) The term ‘testing’ means the testing of a
17 substance pursuant to the screening program under
18 section 408(p) of the Federal Food, Drug, and Cos-
19 metic Act, including a test of a substance that is in-
20 tended to identify substances that have the potential
21 to interact with the endocrine system or that is in-
22 tended to determine the endocrine-related effects
23 caused by such substance and obtain information
24 about effects at various doses.

1 “(m) *AUTHORIZATION OF APPROPRIATIONS.—To*
 2 *carry out this section, there is authorized to be appropriated*
 3 *\$5,000,000 for each of fiscal years 2011 through 2015.”.*

4 **SEC. 19. PRESENCE OF PHARMACEUTICALS AND PERSONAL**
 5 **CARE PRODUCTS IN SOURCES OF DRINKING**
 6 **WATER.**

7 *Subsection (a) of section 1442 (42 U.S.C. 300j–1) is*
 8 *amended by adding at the end the following:*

9 “(11) *PRESENCE OF PHARMACEUTICALS AND PER-*
 10 *SONAL CARE PRODUCTS IN SOURCES OF DRINKING*
 11 *WATER.—*

12 “(A) *STUDY.—The Administrator shall carry out*
 13 *a study on the presence of pharmaceuticals and per-*
 14 *sonal care products in sources of drinking water,*
 15 *which shall—*

16 “(i) *identify pharmaceuticals and personal*
 17 *care products that have been detected in sources*
 18 *of drinking water and the levels at which such*
 19 *pharmaceuticals and personal care products have*
 20 *been detected;*

21 “(ii) *identify the sources of pharmaceuticals*
 22 *and personal care products in sources of drink-*
 23 *ing water, including point sources and nonpoint*
 24 *sources of pharmaceutical and personal care*
 25 *products;*

1 “(iii) identify the effects of such products on
2 humans, the environment, and the safety of
3 drinking water; and

4 “(iv) identify methods to control, limit,
5 treat, or prevent the presence of such products.

6 “(B) CONSULTATION.—The Administrator shall
7 conduct the study described in subparagraph (A) in
8 consultation with the Secretary of Health and
9 Human Services (acting through the Commissioner of
10 Food and Drugs), the Director of the United States
11 Geological Survey, the heads of other appropriate
12 Federal agencies (including the National Institute of
13 Environmental Health Sciences), and other interested
14 stakeholders (including manufacturers of pharma-
15 ceuticals and personal care products and consumer
16 groups and advocates).

17 “(C) REPORT.—Not later than 2 years after the
18 date of the enactment of this paragraph, the Adminis-
19 trator shall submit to the Congress a report on the re-
20 sults of the study carried out under this paragraph.

21 “(D) DEFINITIONS.—In this paragraph:

22 “(i) The term ‘personal care product’ has
23 the meaning given the term ‘cosmetic’ in section
24 201 of the Federal Food, Drug, and Cosmetic
25 Act.

1 “(ii) The term ‘pharmaceutical’ has the
 2 meaning given the term ‘drug’ in section 201 of
 3 the Federal Food, Drug, and Cosmetic Act.”.

4 **SEC. 20. ELECTRONIC REPORTING OF COMPLIANCE MONI-**
 5 **TORING DATA TO THE ADMINISTRATOR.**

6 (a) *REQUIREMENT.*—Section 1414 (42 U.S.C. 300g-3),
 7 as amended, is further amended by adding at the end the
 8 following:

9 “(k) *ELECTRONIC REPORTING OF COMPLIANCE MONI-*
 10 *TORING DATA TO THE ADMINISTRATOR.*—The Adminis-
 11 trator shall by rule establish requirements for—

12 “(1) electronic submission by public water sys-
 13 tems of all compliance monitoring data—

14 “(A) to the Administrator; or

15 “(B) with respect to public water systems in
 16 a State which has primary enforcement responsi-
 17 bility under section 1413, to such State; and

18 “(2) electronic submission to the Administrator
 19 by each State which has primary enforcement respon-
 20 sibility under section 1413 of all compliance moni-
 21 toring data submitted to such State by public water
 22 systems pursuant to paragraph (1)(B).”.

23 (b) *FINAL RULE.*—Not later than 12 months after the
 24 date of the enactment of this Act, the Administrator of the
 25 Environmental Protection Agency shall issue a final rule

- 1 *to carry out section 1414(k) of the Safe Drinking Water*
- 2 *Act, as added by subsection (a).*

Union Calendar No. 297

11TH CONGRESS
2^D Session

H. R. 5320

[Report No. 111-524]

A BILL

To amend the Safe Drinking Water Act to increase assistance for States, water systems, and disadvantaged communities; to encourage good financial and environmental management of water systems; to strengthen the Environmental Protection Agency's ability to enforce the requirements of the Act; to reduce lead in drinking water; to strengthen the endocrine disruptor screening program; and for other purposes.

JULY 1, 2010

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed